

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JERMAINE E. THORPE,

Plaintiff,

v.

Case No. 2:22-cv-2223

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Kimberly A. Jolson

SHERIFF MATT LUTZ, *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge on July 27, 2022. The Magistrate Judge recommends dismissing the action for failure to prosecute the case. Plaintiff failed to pay the filing fee or apply for *in forma pauperis* status. The Court sent a Deficiency Order to two addresses directing Plaintiff to do so. Still, Plaintiff has failed to take any action in the Court besides filing the complaint. The time for filing objections to the Report and Recommendation has passed, and no objections have been filed. The Court mailed the Report and Recommendation to the Plaintiff but it was returned as undeliverable.

Under Federal Rule of Civil Procedure 41(b), a federal court may sua sponte dismiss a claim for failure to prosecute or comply with an order. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962). Here, Plaintiff has failed to prosecute his case and comply with the Court’s order to pay the filing fee or apply for *in forma pauperis* status. *See White v. City of Grand Rapids*, 34 F. App’x 210, 211 (6th Cir. 2002) (finding that a *pro se* prisoner’s complaint “was subject to dismissal for want of prosecution because he failed to keep the district court apprised of his current address”); *Surgenor v. Moore*, No. 1:16-CV-1179, 2019 WL 5538482, at *1 (S.D. Ohio Oct. 25,

2019), *report and recommendation adopted*, No. 1:16-CV-1179, 2019 WL 7290540 (S.D. Ohio Dec. 30, 2019) (same).

Accordingly, the Court **ADOPTS** the Report and Recommendation (ECF No. 6) and **DISMISSES** the case for failure to prosecute under to Federal Rule of Civil Procedure 41. The Clerk is directed to close the case.

IT IS SO ORDERED.

8/25/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE